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PTO/SB/21 (09-04)

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(to be used for all correspondence after initial filing)

Total Number of Pages in This Submission

Application Number

10/821,823

Filing Date

April 9, 2004

First Named Inventor

David L. Kirschman

Art Unit

3738

Examiner Name

Attorney Docket Number

KRS 002 P2

ENCLOSURES (Check all that apply)

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JACOX, MECKSTROTH & JENKINS

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MATTHEW R. JENKINS

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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Application of:

Applicant(s) : David Louis Kirschman
Serial No. : 10/821,823
Filed : April 9, 2004
Title : DISK AUGMENTATION
SYSTEM AND METHOD
Group : 3738
Docket : KRS 002 P2

Mail Stop Amendment
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Sir:

INFORMATION DISCLOSURE STATEMENT UNDER 37 CFR §1.97(b)

Pursuant to the provisions of 37 CFR §1.97(b), Applicant(s) wishes to disclose the materials listed below and on the attached form PTO/SB/08A which the Examiner may find relevant to the examination of the above-identified patent application. Pursuant to the Official Gazette Notice of August 5, 2003, waiving the requirements under 37 CFR §1.98(a)(2)(i), Applicant(s) believe copies of any U.S. patents or U.S. patent applications are not required. Copies of any Foreign or Non-Patent references are enclosed herewith.

<u>U.S. Patent No.</u>	<u>Issued</u>	<u>Inventor (s)</u>	<u>Title</u>
3,786,806	01-22-1974	Johnson et al.	Thermoconstrictive Surgical Appliance
4,309,777	01-12-1982	Patil	Artificial Intervertebral Disc
4,364,382	12-21-1982	Mennen	Internal Fixation Device for Bone Fractures
4,512,038	04-23-1985	Alexander et al.	Bio-Absorbable Composite Tissue Scaffold
4,573,458	03-04-1986	Lower	Bone Fixation Plate
4,697,582	10-06-1987	William	Appliance For Correcting Rachidial Deformities
4,743,260	05-10-1988	Burton	Method for a Flexible Stabilization System for a Vertebral Column
4,759,769	07-26-1988	Hedman et al.	Artificial Spinal Disc

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4,834,757	05-30-1989	Brantigan	Prosthetic Implant
4,878,915	11-07-1989	Brantigan	Surgical Prosthetic Implant Facilitating Vertebral Interbody Fusion
4,932,975	06-12-1990	Main et al.	Vertebral Prosthesis
5,041,113	08-20-1991	Biedermann et al.	Stabilization Member for Stabilizing Bones
5,092,866	03-03-1992	Breard et al.	Flexible Inter-Vertebral Stabilizer as Well as Process and Apparatus for Determining or Verifying Its Tension Before Installation on the Spinal Column
5,180,381	01-19-1993	Aust et al.	Anterior Lumbar/Cervical Bicortical Compression Plate
5,180,393	01-19-1993	Commarmond	Artificial Ligament for the Spine
5,258,031	11-02-1993	Salib et al.	Intervertebral Disk Arthroplasty
5,314,477	05-24-1994	Marnay	Prosthesis for Intervertebral Discs and Instruments for Implanting It
5,360,430	11-01-1994	Lin	Intervertebral Locking Device
5,372,598	12-13-1994	Luhr et al.	Small Bone Plate for Cranial or Facial Fractures or the Like
5,401,269	03-28-1995	Buttner-Janz et al.	Intervertebral Disc Endoprosthesis
5,415,661	05-16-1995	Holmes	Implantable Spinal Assist Device
5,423,816	06-13-1995	Lin	Intervertebral Locking Device
5,425,773	06-20-1995	Boyd et al.	Intervertebral Disk Arthroplasty Device
5,507,816	04-16-1996	Bullivant	Spinal Vertebrae Implants
5,562,738	10-08-1996	Boyd et al.	Intervertebral Disk Arthroplasty Device
5,597,378	01-28-1997	Jervis	Medical Devices Incorporating SIM Alloy Elements
5,601,572	02-11-1997	Middleman et al.	Device or Apparatus for Manipulating Matter Having a Elastic Ring Clip
5,616,144	04-01-1997	Yapp et al.	Osteosynthesis Plate System
5,645,596	07-08-1997	Kim et al.	Ceramic Vertebrae Prosthesis
5,645,599	07-08-1997	Samani	Interspinal Vertebral Implant
5,674,296	10-07-1997	Bryan et al.	Human Spinal Disc Prosthesis
5,676,701	10-14-1997	Yuan et al.	Low Wear Artificial Spinal Disc
5,683,465	11-04-1997	Shinn et al.	Artificial Intervertebral Disk Prosthesis

5,776,162	07-07-1998	Kleshinski	Vessel Implantable Shape Memory Appliance With Superelastic Hinged Joint
5,779,707	07-14-1998	Bertholet et al.	Link Piece for Bony Elements
RE. 36,221	06-01-1999	Breard et al.	Flexible Inter-Vertebral Stabilizer as Well as Process and Apparatus for Determining or Verifying Its Tension Before Installation on the Spinal Column
5,928,284	07-27-1999	Mehdizadeh	Disc Replacement Prosthesis
5,951,558	09-14-1999	Fiz	Bone Fixation Device
6,022,350	02-08-2000	Ganem	Bone Fixing Device, In Particular for Fixing to the Sacrum During Osteosynthesis of the Backbone
6,146,421	11-14-2000	Gordon et al.	Multiple Axis Intervertebral Prosthesis
6,152,927	11-28-2000	Farris et al.	Anterior Cervical Plating System
6,231,609	05-15-2001	Mehdizadeh	Disc Replacement Prosthesis
6,293,949	09-25-2001	Justis et al.	Superelastic Spinal Stabilization System, and Method
6,419,704	07-16-2002	Ferree	Artificial Intervertebral Disc Replacement Methods and Apparatus
6,440,169	08-27-2002	Elberg et al.	Interspinous Stabilizer to be Fixed to Spinous Processes of Two Vertebrae
6,540,785	04-01-2003	Gill et al.	Artificial Intervertebral Joint Permitting Translational and Rotational Motion
6,572,653	06-03-2003	Simonson	Vertebral Implant Adapted for Posterior Insertion
6,595,993	07-22-2003	Donno et al.	Connection of a Bone Screw to a Bone Plate
6,610,093	08-26-2003	Pisharodi	Method and Apparatus for Stabilizing Adjacent Vertebrae


<u>Pub. No.</u>	<u>Issued</u>	<u>Inventor (s)</u>	<u>Title</u>
U.S. 2003/0191470	10-09-2003	Ritland	Dynamic Fixation Device and Method of Use

The filing of this Information Disclosure Statement shall not be construed to be an admission that the information cited in the statement is, or is considered to be, material to patentability as defined in §1.56(b). By filing this statement, Applicant(s) is not making any representation as to whether any of the references referred to herein are material. Further, Applicant(s) cites these references without prejudice, and Applicant(s) reserves the right to contest the status of these references as prior art.

The Commissioner is hereby authorized to charge any additional fees under 37 C.F.R. 1.16 and 1.17 which may be required by this paper, or to credit any overpayment, to **Deposit Account No. 50-1287**. Applicant(s) hereby provides a general request for any extension of time which may be required at any time during the prosecution of the application. The Commissioner is also authorized to charge any fees which have not been previously paid for by check and which are required during the prosecution of this application to **Deposit Account No. 50-1287**. (Should Deposit Account No. **50-1287** be deficient, please charge any further deficiencies to Deposit Account No. 10-0220.)

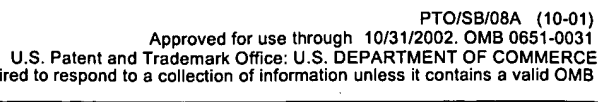
Respectfully submitted,

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November 30, 2004



Substitute for form 1449A/PTO

(use as many sheets as necessary)

Sheet

1

of

3

Complete if Known

Application Number

10/821,823

Filing Date

04-09-2004

First Named Inventor

David Louis Kirschman

Art Unit

3738

Examiner Name

Attorney Docket Number

KRS 002 P2

Examiner Initials*	Cite No. ¹	Document Number	Publication Date MM-DD-YYYY	Name of Patentee or Applicant of Cited Document	Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear
		Number - Kind Code ² (if known)			
		us- 3,786,806	01-22-1974	Johnson et al.	
		us- 4,309,777	01-12-1982	Patil	
		us- 4,364,382	12-21-1982	Mennen	
		us- 4,512,038	04-23-1985	Alexander et al.	
		us- 4,573,458	03-04-1986	Lower	
		us- 4,697,582	10-06-1987	William	
		us- 4,743,260	05-10-1988	Burton	
		us- 4,759,769	07-26-1988	Hedman et al.	
		us- 4,834,757	05-30-1989	Brantigan	
		us- 4,878,915	11-07-1989	Brantigan	
		us- 4,932,975	06-12-1990	Main et al.	
		us- 5,041,113	08-20-1991	Biedermann et al.	
		us- 5,092,866	03-03-1992	Breard et al.	
		us- 5,180,381	01-19-1993	Aust et al.	
		us- 5,180,393	01-19-1993	Commarmond	
		us- 5,258,031	11-02-1993	Salib et al.	
		us- 5,314,477	05-24-1994	Marnay	
		us- 5,360,430	11-01-1994	Lin	
		us- 5,372,598	12-13-1994	Luhr et al.	
		us- 5,401,269	03-28-1995	Buttner-Janz et al.	

[illegible]

Examiner
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Substitute for form 1449A/PTO INFORMATION DISCLOSURE STATEMENT BY APPLICANT (use as many sheets as necessary)			Complete if Known		
			Application Number	10/821,823	
			Filing Date	04-09-2004	
			First Named Inventor	David Louis Kirschman	
			Art Unit	3738	
Examiner Name					
Sheet	3	of	3	Attorney Docket Number	KRS 002 P2

U.S. PATENT DOCUMENTS					
Examiner Initials ¹	Cite No. ¹	Document Number	Publication Date MM-DD-YYYY	Name of Patentee or Applicant of Cited Document	Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear
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		US- 6,152,927	11-28-2000	Farris et al.	
		US- 6,231,609	05-15-2001	Mehdizadeh	
		US- 6,293,949	09-25-2001	Justis et al.	
		US- 6,419,704	07-16-2002	Ferree	
		US- 6,440,169	08-27-2002	Elberg et al.	
		US- 6,540,785	04-01-2003	Gill et al.	
		US- 6,572,653	06-03-2003	Simonson	
		US- 6,595,993	07-22-2003	Donno et al.	
		US- 6,610,093	08-26-2003	Pisharodi	
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